



**Senate Committee on Transportation and Elections
Testimony Senate Bill 268
October 31, 2011**

Senate Bill 268 is necessary legislation to clear up significant issues discovered since the enactment of 2011 Wisconsin Act 43, the redistricting legislation approved earlier this year.

Government Accountability Board Director and General Counsel Kevin Kennedy has made it very clear in memos and during testimony at last week's Senate Committee on Transportation and Elections informational hearing that Senators and Representatives currently represent new Act 43 districts. However, recall and special elections must be conducted within the old unconstitutional district boundaries.

The legislature needs to take measures immediately to create fairness. The concern is fairness for voters living in odd numbered Wisconsin State Senate districts. The concern is not as alarming for residents of even numbered Wisconsin Senate Districts because there is a regularly scheduled election November 6, 2012 for even numbered senate districts, allowing all residents of even numbered districts an opportunity to vote for the state senator that will represent them beginning January 2013. The concern is equally not as alarming for Wisconsin State Assembly Representatives because there is a regularly scheduled election November 2012 for all Assembly Representatives.

The concern is, due to a conflict in state law, recall petitions and recall elections would be conducted in old unconstitutional districts created after the 2000 census for state senators in odd numbered districts, rather than elections in the constitutional districts created as a result of the 2010 census. If the recall petitions and recall elections were in the old unconstitutional districts, people would be recalling a senator that does not represent them and electing a senator that will not be their state senator. People living in the new constitutional odd numbered Senate districts will be denied the opportunity to recall their Senator and denied the vote for their senator, relinquishing their vote to persons of another district.

The Legislature must act to eliminate this unfairness and make the next elections in odd numbered Senate districts fair for all Wisconsin residents.





LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

SENATOR LENA C. TAYLOR
Testimony In Opposition to SB 268
Committee on Transportation and Elections
Monday, October 31, 2011

Thank you, Madam Chair and members of the committee.

I am appearing today in opposition to SB 268, which changes the initial applicability of Act 43, the redistricting act passed earlier this year by the majority party.

To say that this bill is troubling is a major understatement. It is more than troubling. It reeks of the political corruption, hackery, and power grabs that the people of Wisconsin despise. It is a bad bill which should not be in front of this committee or the Senate as a whole.

Enacted less than three months ago, Act 43 creates a new set of legislative maps to accomplish the required redistricting of the state for the Legislature and Congressional delegation. While I do not believe that these maps are ultimately fair or rightly drawn, that is not the question today before this committee. Rather the question that is posed to this committee is "What has changed in Wisconsin since enactment?"

In creating Act 43, the Majority party chose to include certain initial applicability language – specifically in regards to special and recall elections. "This act first applies, with respect to special or recall elections, to offices filled or contested concurrently with the 2012 general election". This was the language that the majority party paid over \$400,000 dollars of taxpayer money in legal fees to create.

The change that has occurred since enactment is simple. Since that time, two majority party Senators lost their seats in recalls and now that recalls may be commenced against others, it is clear that majority is concerned with holding onto power. That change is now driving a last minute rushed attempt to change the majority party's grab on power. There is no confusion that is the naked, blatant power grab that is occurring.

Some have said that concerns about voter confusion are what is driving this bill. Nothing could be further from the truth. The original enacted maps are perfectly clear for the public. I will use my own current seat as my example for this testimony as to limit the possibility of

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misinformation or distortion. Since 2002, the Village of Shorewood was not included in the 4th Senate District. It has been, and is, today a part of the 7th Senate District, represented by Senator Darling. That fact is so well known that when the Village of Shorewood needed a correction bill done for its tax levy they asked their Senator, Senator Darling, to offer it. We all voted for her bill, SB 224, just last week on the floor.

The people of Shorewood know that Senator Darling is their Senator now. They know that Act 43 moves Shorewood into the 4th Senate District effective with the Nov 2012 elections. I will run for reelection to the Senate and that campaign will include the Village of Shorewood. However, I will not represent Shorewood in the Senate until the first day of session in 2013, should I be reelected. In my time in the Senate, I have NEVER represented Shorewood, but that is what this bill alleges.

To the point of this debate, I am currently eligible to be under recall. Any citizen could attempt a recall on my office. However, it is ludicrous to think that the people of Shorewood, whom I have never represented and who did not SEND me to the Senate, would be a part of a recall effort against me. If that is your logic, then Shorewood should never have been a part of the recall of Senator Darling earlier this year. But your logic also opens other precarious doors. If I were to leave office today for any reason, should Shorewood be a part of the special election to fill my seat? Is Shorewood a part of my district today? Does Shorewood send two state senators to the Legislature?

As you can see, it is not Act 43 that causes confusion. Rather, it is the proposed change that we are talking about today. We need to remember the clear function of the republic we live in. **We, as legislators are sent, SENT, to Madison. The people that send us to Madison are the people that can and should RECALL us from Madison.** It is that simple. Act 43, despite its faults and problematic gerrymandering, was correct in its initial applicability. Recalls and special elections, unless held concurrently to the regular 2012 elections, should be initiated and decided by the electors of the district that sent a Senator to the Senate. This bill should die today. There is no need to put this power grab over the will of the people.

Thank you.